

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 384

94TH GENERAL ASSEMBLY

2007

1752L.04T

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## AN ACT

To repeal sections 301.130 and 301.301, RSMo, and to enact in lieu thereof three new sections relating to deceptive practices, with an emergency clause for a certain section.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 301.130 and 301.301, RSMo, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 301.130, 301.301,  
3 and 407.485, to read as follows:

301.130. 1. The director of revenue, upon receipt of a proper application  
2 for registration, required fees and any other information which may be required  
3 by law, shall issue to the applicant a certificate of registration in such manner  
4 and form as the director of revenue may prescribe and a set of license plates, or  
5 other evidence of registration, as provided by this section. Each set of license  
6 plates shall bear the name or abbreviated name of this state, the words  
7 "SHOW-ME STATE", the month and year in which the registration shall expire,  
8 and an arrangement of numbers or letters, or both, as shall be assigned from year  
9 to year by the director of revenue. The plates shall also contain fully reflective  
10 material with a common color scheme and design for each type of license plate  
11 issued pursuant to this chapter. The plates shall be clearly visible at night, and  
12 shall be aesthetically attractive. Special plates for qualified disabled veterans  
13 will have the "DISABLED VETERAN" wording on the license plates in preference  
14 to the words "SHOW-ME STATE" and special plates for members of the national  
15 guard will have the "NATIONAL GUARD" wording in preference to the words  
16 "SHOW-ME STATE".

17 2. The arrangement of letters and numbers of license plates shall be

18 uniform throughout each classification of registration. The director may provide  
19 for the arrangement of the numbers in groups or otherwise, and for other  
20 distinguishing marks on the plates.

21 3. All property-carrying commercial motor vehicles to be registered at a  
22 gross weight in excess of twelve thousand pounds, all passenger-carrying  
23 commercial motor vehicles, local transit buses, school buses, trailers, semitrailers,  
24 motorcycles, motortricycles, motorscooters and driveaway vehicles shall be  
25 registered with the director of revenue as provided for in subsection 3 of section  
26 301.030, or with the state highways and transportation commission as otherwise  
27 provided in this chapter, but only one license plate shall be issued for each such  
28 vehicle except as provided in this subsection. The applicant for registration of  
29 any property-carrying commercial motor vehicle may request and be issued two  
30 license plates for such vehicle, and if such plates are issued the director of  
31 revenue may assess and collect an additional charge from the applicant in an  
32 amount not to exceed the fee prescribed for personalized license plates in  
33 subsection 1 of section 301.144.

34 4. The plates issued to manufacturers and dealers shall bear the letter  
35 "D" preceding the number, and the director may place upon the plates other  
36 letters or marks to distinguish commercial motor vehicles and trailers and other  
37 types of motor vehicles.

38 5. No motor vehicle or trailer shall be operated on any highway of this  
39 state unless it shall have displayed thereon the license plate or set of license  
40 plates issued by the director of revenue or the state highways and transportation  
41 commission and authorized by section 301.140. Each such plate shall be securely  
42 fastened to the motor vehicle in a manner so that all parts thereof shall be  
43 plainly visible and reasonably clean so that the reflective qualities thereof are not  
44 impaired. **Each such plate may be encased in a transparent cover so**  
45 **long as the plate is plainly visible and its reflective qualities are not**  
46 **impaired.** License plates shall be fastened to all motor vehicles except trucks,  
47 tractors, truck tractors or truck-tractors licensed in excess of twelve thousand  
48 pounds on the front and rear of such vehicles not less than eight nor more than  
49 forty-eight inches above the ground, with the letters and numbers thereon right  
50 side up. The license plates on trailers, motorcycles, motortricycles and  
51 motorscooters shall be displayed on the rear of such vehicles, with the letters and  
52 numbers thereon right side up. The license plate on buses, other than school  
53 buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess

54 of twelve thousand pounds shall be displayed on the front of such vehicles not  
55 less than eight nor more than forty-eight inches above the ground, with the  
56 letters and numbers thereon right side up or if two plates are issued for the  
57 vehicle pursuant to subsection 3 of this section, displayed in the same manner on  
58 the front and rear of such vehicles. The license plate or plates authorized by  
59 section 301.140, when properly attached, shall be prima facie evidence that the  
60 required fees have been paid.

61           6. (1) The director of revenue shall issue annually or biennially a tab or  
62 set of tabs as provided by law as evidence of the annual payment of registration  
63 fees and the current registration of a vehicle in lieu of the set of  
64 plates. Beginning January 1, 2010, the director may prescribe any additional  
65 information recorded on the tab or tabs to ensure that the tab or tabs positively  
66 correlate with the license plate or plates issued by the department of revenue for  
67 such vehicle. Such tabs shall be produced in each license bureau office.

68           (2) The vehicle owner to whom a tab or set of tabs is issued shall affix and  
69 display such tab or tabs in the designated area of the license plate, no more than  
70 one per plate.

71           (3) A tab or set of tabs issued by the director of revenue when attached  
72 to a vehicle in the prescribed manner shall be prima facie evidence that the  
73 registration fee for such vehicle has been paid.

74           (4) Except as otherwise provided in this section, the director of revenue  
75 shall issue plates for a period of at least six years.

76           (5) For those commercial motor vehicles and trailers registered pursuant  
77 to section 301.041, the plate issued by the highways and transportation  
78 commission shall be a permanent nonexpiring license plate for which no tabs  
79 shall be issued. Nothing in this section shall relieve the owner of any vehicle  
80 permanently registered pursuant to this section from the obligation to pay the  
81 annual registration fee due for the vehicle. The permanent nonexpiring license  
82 plate shall be returned to the highways and transportation commission upon the  
83 sale or disposal of the vehicle by the owner to whom the permanent nonexpiring  
84 license plate is issued, or the plate may be transferred to a replacement  
85 commercial motor vehicle when the owner files a supplemental application with  
86 the Missouri highways and transportation commission for the registration of such  
87 replacement commercial motor vehicle. Upon payment of the annual registration  
88 fee, the highways and transportation commission shall issue a certificate of  
89 registration or other suitable evidence of payment of the annual fee, and such

90 evidence of payment shall be carried at all times in the vehicle for which it is  
91 issued.

92 (6) Upon the sale or disposal of any vehicle permanently registered under  
93 this section, or upon the termination of a lease of any such vehicle, the permanent  
94 nonexpiring plate issued for such vehicle shall be returned to the highways and  
95 transportation commission and shall not be valid for operation of such vehicle, or  
96 the plate may be transferred to a replacement vehicle when the owner files a  
97 supplemental application with the Missouri highways and transportation  
98 commission for the registration of such replacement vehicle. If a vehicle which  
99 is permanently registered under this section is sold, wrecked or otherwise  
100 disposed of, or the lease terminated, the registrant shall be given credit for any  
101 unused portion of the annual registration fee when the vehicle is replaced by the  
102 purchase or lease of another vehicle during the registration year.

103 7. The director of revenue and the highways and transportation  
104 commission may prescribe rules and regulations for the effective administration  
105 of this section. No rule or portion of a rule promulgated under the authority of  
106 this section shall become effective unless it has been promulgated pursuant to the  
107 provisions of section 536.024, RSMo.

108 8. Notwithstanding the provisions of any other law to the contrary, owners  
109 of motor vehicles other than apportioned motor vehicles or commercial motor  
110 vehicles licensed in excess of eighteen thousand pounds gross weight may apply  
111 for special personalized license plates. Vehicles licensed for eighteen thousand  
112 pounds that display special personalized license plates shall be subject to the  
113 provisions of subsections 1 and 2 of section 301.030.

114 9. Commencing January 1, 2009, the director of revenue shall cause to be  
115 reissued new license plates of such design as directed by the director consistent  
116 with the terms, conditions, and provisions of this section and this  
117 chapter. Except as otherwise provided in this section, in addition to all other fees  
118 required by law, applicants for registration of vehicles with license plates that  
119 expire between January 1, 2009, and December 31, 2011, applicants for  
120 registration of trailers or semitrailers with license plates that expire between  
121 January 1, 2009, and December 31, 2011, and applicants for registration of  
122 vehicles that are to be issued new license plates shall pay an additional fee, based  
123 on the actual cost of the reissuance, to cover the cost of the newly reissued plates  
124 required by this subsection. The additional fee prescribed in this subsection shall  
125 not be charged to persons receiving special license plates issued under section

126 301.073 or 301.443. Historic motor vehicle license plates registered pursuant to  
127 section 301.131 and specialized license plates are exempt from the provisions of  
128 this subsection.

301.301. 1. Any person replacing a stolen license plate tab **issued on or**  
2 **after January 1, 2009**, may receive at no cost up to two sets of two license plate  
3 tabs per year when the application for the replacement tab is accompanied with  
4 a police report that is corresponding with the stolen license plate tab.

5 2. Any person replacing a stolen license plate tab **issued prior to**  
6 **January 1, 2009**, may receive at no cost up to two sets of two license  
7 plate tabs per year when the application for the replacement tab is  
8 accompanied with a notarized affidavit verifying that such license plate  
9 tab or tabs were stolen.

407.485. 1. It shall be an unfair business practice, in violation of  
2 section 407.020 for a for profit entity or natural person to collect  
3 donations of unwanted household items via a public receptacle and  
4 resell the donated items for profit unless the donation receptacle  
5 prominently displays a statement in bold letters at least two inches  
6 high and two inches wide stating: "DONATIONS ARE NOT FOR  
7 CHARITABLE ORGANIZATIONS AND WILL BE RESOLD FOR PROFIT".

8 2. It shall be an unfair business practice, in violation of section  
9 407.020 for a for profit entity or natural person to collect donations of  
10 unwanted household items via a public receptacle and resell the  
11 donated items where some or all of the proceeds from the sale are  
12 directly given to a not for profit entity unless the donation receptacle  
13 prominently displays a statement in bold letters at least two inches  
14 high and two inches wide stating: "DONATIONS TO THE FOR PROFIT  
15 COMPANY: (name of the company) ARE SOLD FOR PROFIT AND (% of  
16 proceeds donated to the not for profit) % OF ALL PROCEEDS ARE  
17 DONATED TO (name of the non-profit beneficiary organization's  
18 name)."

19 3. It shall be an unfair business practice, in violation of section  
20 407.020 for a for profit entity or natural person to collect donations of  
21 unwanted household items via a public receptacle and resell the  
22 donated items, where such for profit entity is paid a flat fee, not  
23 contingent upon the proceeds generated by the sale of the collected  
24 goods, and 100% of the proceeds from the sale of the items are given  
25 directly to the not for profit, unless the donation receptacle

26 **prominently displays a statement in bold letters at least two inches**  
27 **high and two inches wide stating: "THIS DONATION RECEPTACLE IS**  
28 **OPERATED BY THE FOR PROFIT ENTITY: (name of the for**  
29 **profit/individual) ON BEHALF of (name of the non-profit beneficiary**  
30 **organization's name)".**

31 **4. Nothing in section 407.485 shall apply to paper, glass, or**  
32 **aluminum products that are donated for the purpose of being recycled**  
33 **in the manufacture of other products.**

34 **5. Any entity which, on or before June 1, 2007, has distributed**  
35 **100 or more separate public receptacles within the state of Missouri to**  
36 **which the provisions of subsections 2 or 3 of this section would apply**  
37 **shall be deemed in compliance with the signage requirements imposed**  
38 **by this section for the first six months after the effective date of this**  
39 **legislation, provided such entity has made or is making good faith**  
40 **efforts to bring all signage in compliance with the provisions of this**  
41 **section and all such signage is in complete compliance no later than six**  
42 **months after the effective date of this legislation.**

Section B. Because of the need to provide Missouri motorists with a  
2 method to replace stolen license plate tabs without administrative red tape and  
3 because of the need to verify the payment of registration fees, the repeal and  
4 reenactment of section 301.301 is deemed necessary for the immediate  
5 preservation of the public health, welfare, peace, and safety, and are hereby  
6 declared to be an emergency within the meaning of the constitution, and the  
7 repeal and reenactment of section 301.301 shall be in full force and effect upon  
8 its passage and approval.

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